

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)	
GENERAL PARTNERSHIP FOR APPROVAL TO)	
CONSTRUCT AND OPERATE A NEW CELL)	
FACILITY TO PROVIDE CELLULAR RADIO)	CASE NO.
SERVICE (STEPHENSPORT) IN RURAL SERVICE)	2017-00143
AREA #3 (BRECKINRIDGE COUNTY) OF THE)	
COMMONWEALTH OF KENTUCKY)	

ORDER

This matter is before the Commission on a Request for Rehearing filed by Corey M. Biddle (“Mr. Biddle”) on May 4, 2018. Mr. Biddle requests rehearing of the April 11, 2018 Order in which the Commission found that Mr. Biddle was unlikely to present issues or develop facts that would assist the Commission in considering this cell tower Certificate of Public Convenience and Necessity (“CPCN”) matter, and denied Mr. Biddle’s request for intervention.

Kentucky RSA #3 Cellular General Partnership (“Kentucky RSA #3”) filed responses to Mr. Biddle’s Request for Rehearing and supplemental filings on May 11, 2018, and on May 18, 2018, stating that Mr. Biddle provided no new facts to assist the Commission and that Mr. Biddle was not adhering to procedural regulations.

Based upon a review of the voluminous materials filed by Mr. Biddle, the Commission finds that Mr. Biddle’s Request for Rehearing does not rise to meet the standards of permissive intervention set forth in 807 KAR 5:001, Section 4(11). Mr.

Biddle is unlikely to present issues or develop facts that will assist the Commission in fully considering this matter.

The Commission finds that Mr. Biddle failed to provide sufficient evidence to support his assertion that the wireless communications facility at 6199 Highway 2779, Hardinsburg, Breckinridge County, Kentucky ("Stephensport cell tower") should be located elsewhere due to property devaluation or that the Stephensport cell tower could be located elsewhere to maintain cell services in the area. For that reason, Mr. Biddle is unlikely to present issues or develop facts that will assist the Commission in considering this matter, and his Request for Rehearing should be denied.

The Commission further finds that the documents filed by Mr. Biddle should be considered public comments in this proceeding. Mr. Biddle will have an opportunity to file additional comments in this proceeding even though he has not been granted intervenor status. Mr. Biddle can review all documents filed in this case and monitor the proceedings via the Commission's website.

IT IS THEREFORE ORDERED that:

1. Mr. Biddle's Request for Rehearing is denied.
2. Mr. Biddle's tendered documents shall be considered as public comment.

By the Commission



ATTEST:


Executive Director

Case No. 2017-00143

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